



DEPARTMENT OF THE NAVY  
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5000-110  
Ser BPMOW.cm/138  
May 31, 2022

Mr. Jeff Ruch  
Public Employees for Environmental Responsibility  
962 Wayne Avenue, Suite 610  
Silver Spring, MD 20910

Dear Mr. Ruch:

This correspondence is in regard to your Freedom of Information Act (FOIA) request dated November 5, 2021 in which you seek six separately enumerated categories of records related to the Hunters Point Naval Shipyard ("HPNS") located in San Francisco, California.

Your request was received in this office on November 8, 2021 and assigned file number DON-NAVY-2022-001354. Please cite this number in any future communications with our office regarding this request. Your requests seeks the following:

- 1. Records reflecting the referenced strontium-90 sampling results, including the specific levels of strontium-90 detected and the precise location of each sample;*
- 2. The Parcel G strontium-90 sampling plan and methodology used to take those existing measurements, and the sampling plan and methodology being employed for the "updated method" designed for "more precise and certain results";*
- 3. Documents justifying the Navy's decision that re-analysis of these samples was appropriate and/or why the reported results lacked precision or certainty;*
- 4. Records describing the "updated method" of analyzing these samples and detailing why this method would yield "more precise and certain results."*
- 5. All communications with "regulatory agencies" regarding strontium-90 sampling, including communications concerning the need for and approval of updated methods for analyzing these soil samples;*
- 6. Documents describing all possible sources of strontium-90 on parcel G.*

A letter dated December 2, 2021 provided a final determination on your FOIA request, and informing you that a search for responsive records had been completed and approximately 834 potentially responsive records were located. This letter provides the third of multiple phases of release. Additional records will be released to you in phases as documents are determined to be responsive to your request.

The nature of this particular FOIA request requires a multi-step search and review process for a reasonable search of records. For requests with broad scopes, like this one, we first search document repositories using keywords. The results of this search yields “potentially responsive documents.” Some or many of these initial results are found to be not responsive during the subsequent “review” step. Accordingly, broad requests like this can yield a large difference between “potentially responsive records” and “responsive records” which can also lead to longer release timeframes.

Today’s interim release addresses 70 potentially responsive records. Of the potentially responsive records addressed in this interim release,

- 4 records are duplicates
- 2 records are partially withheld under FOIA Exemptions 4 and 6; the remainder of these records are released to you
- 59 records are withheld in full under FOIA Exemption 5; and
- 5 records are released to you in full.

The instances of exempt information have been redacted.

FOIA Exemption 4 [5 U.S.C. § 552(b)(4)] exempts from disclosure “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” The confidential information associated with this exemption relates to standard operating procedures which belong to our contractors and could cause competitive harm if released.

FOIA Exemption 5 [5 U.S.C. § 552 (b)(5)] exempts from disclosure records that reflect the Navy’s internal deliberations, the release of which could be harmful by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process.

FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] exempts from disclosure information that, if disclosed, would invade an individual’s personal privacy. Conference call numbers and their passcodes were the items redacted from these records.

Your FOIA request also included a request that all fees be waived. We have evaluated the fee waiver request and have determined that this request is eligible for a waiver.

### **Appeal Rights**

You have the right to an appeal. It must be received (i.e., post-marked if by mail or submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide the following in your appeal:

- a letter requesting an appeal. You are encouraged (though not required) to provide an explanation why you believe the redactions were inappropriate or our search was inadequate;
- a copy of your initial request;
- a copy of the letter of denial.

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There are two ways to file an appeal—through FOIAonline or by mail.

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline.gov, click “Create Account” (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click “Save” (at the bottom left of the screen). With your account thereby created, you will be able to file an appeal on FOIAonline for any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.
2. By mail. Address your appeal to:

Department of the Navy  
Office of the General Counsel  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

Whichever method is used to file your appeal, please also provide a courtesy copy to us at meredith.l.richards2.civ@us.navy.mil, or:

NAVFAC BRAC PMO West  
33000 Nixie Way  
Bldg 50 Suite 207  
Attn: Meredith Richards  
San Diego, CA 92147

You have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka.civ@us.navy.mil or 703-697-0031 for assistance with modifying your request. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please direct any questions concerning this matter to Ms. Meredith Richards, who may be contacted at meredith.l.richards2.civ@us.navy.mil or (619) 524-1637.

Sincerely,

KIMBERLY A. OSTROWSKI  
Director